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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,446	09/08/2003	Roger Gustavsson	4740-218	1412

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RALEIGH, NC 27602

EXAMINER

TRAN, CONGVAN

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/657,446

Applicant(s)

GUSTAVSSON ET AL.

Examiner

CongVan Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-14, 17-21 and 24-28 is/are rejected.
- 7) ☒ Claim(s) 9, 15, 16, 22, 23 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Kafri (6,754,316).

Regarding claims 1, and 4, Kafri discloses a method and apparatus for registering unanswered telephone calls comprising:

receiving an incoming voice call for a mobile station that is busy in a data call (see col.1, lines 10-16) and

sending an incoming call notification to the mobile station via signaling over an existing traffic channel allocated to the data call (see col.1, lines 10-16).

Regarding claims 2-3, Kafri further discloses routing the incoming voice call to voice mail in conjunction with sending the call notification to the mobile station (see col.1, lines 43-54).

3. Claims 1-5, and 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Peters et al. (6,842,622).

Regarding claims 1, 4-5, Peters discloses an user interface using speech generation to answer cellular phones comprising:

receiving an incoming voice call for a mobile station that is busy in a data call (see fig.4, step 402 and its description) and

sending an incoming call notification to the mobile station via signaling over an existing traffic channel allocated to the data call (see fig.4, step 404 and its description).

Regarding claims 2-3, Peters further discloses routing the incoming voice call to voice mail in conjunction with sending the call notification to the mobile station (see fig.4, step 520 and its description).

Regarding claims 7-8, Peters further discloses if a call delivery attempt is desired, reconfiguring the existing traffic channel for use in delivering the incoming voice call to the mobile station (see fig.1, fig.4, step 406, and its description).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 10-14, 17-21, and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grim et al. (2002/0102962) in view of Peters et al. (6,842,622).

Regarding claims 10-11, 14, 17-21, and 24-28, Grim discloses an apparatus and method for prepaid charging of coexistent wireless circuit switched calls and packet switches calls, comprising:

receiving an incoming voice call indication at a Base Station (BS) that is targeted to a mobile station busy in a data call (see fig.1, element 301, 303 and its description) and determining if the data call is a packet-switched data call or a circuit-switched data call (see fig.4, steps 405, 406 and its description); if the data call is a circuit-switched data call, reconfiguring a service connection of the mobile station to deliver the incoming voice call using an existing traffic channel previously allocated to the data call (see fig.4, steps 420, 422, 424 and its description); and if the data call is a packet-switched data call, sending a call notification message to the mobile station and, reconfiguring the service connection of the mobile station to deliver the incoming voice call using the existing traffic channel (see fig.4, step 406, 407, 408, 410 and its description), except for clearly described responsive to receiving a return acknowledgment from the mobile station. However, Peters discloses an user interface using speech generation to answer cellular phones comprising: responsive to receiving a return acknowledgment from the mobile station (see fig.4, steps 402, 404, 406 and its description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made

to use the Peters' the incoming call notification to the mobile in Grim's invention to notify the user that a call has been received in order to improve the use of telephone devices.

Regarding claims 6, 12, Grim further disclose if the data call is a packet-switched data call, suspending a packet data service associated with the packet data call (see fig.4, step 422, 423 and its description).

Regarding claims 13, Grim further disclose if the data call is a packet-switched data call, releasing a packet data service associated with the packet data call (see fig.4, steps 408, 410 and its description).

Allowable Subject Matter

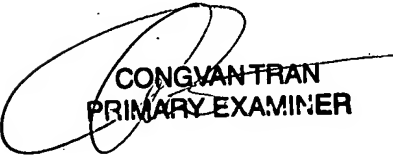
6. Claims 9, 15-16, 22-23 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Bank can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



CONGVAN TRAN
PRIMARY EXAMINER

CongVan Tran
Primary Examiner
Art Unit 2617

Dec. 13, 2006.